

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

#### Notification

1/22/74-PER(Vol. IV)

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-Ministerial, Non-Gazetted posts in the Office of Commissioner, Labour and Employment under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Government of Goa, Daman and Diu, Office of the Commissioner, Labour and Employment, Group 'C' Non-Ministerial, Non-Gazetted posts Recruitment Rules, 1980.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
  - (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
  - (c) *Saving:* Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.
5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.
6. These rules are issued in supersession of rules existing for the posts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 29th September, 1980.

**SCHEDULE**

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotees	Period of probation if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/ deputation/transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Union Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
Supervisor.	7	Group 'C' Non-ministerial, non-gazetted.	Rs. 330-10-380-EB-12-500-EB-15-560.	Selection	30 years and below (relaxable for Govt. servants).	<i>Essential:</i> i) Intermediate/Sr. Cambridge/Higher Secondary Certificate or equivalent qualification.  <i>Desirable:</i> i) Persons having background of labour welfare. ii) Knowledge of Konkani and/or Marathi.	N. A.	Two years	By promotion failing which by direct recruitment.	<i>Promotion:</i> Games teacher with at least 3 years regular service in the grade.	Group 'C' D.P.C.	N. A.
Group Instructor/Surveyor/Store Superintendent.	12	— do —	Rs. 550-25-750-EB-30-900.	— do —	— do —	<i>Essential:</i> i) Diploma in Mechanical or Electrical or Automobile Engineering from a recognised University or Institution. ii) 5 years practical or teaching experience in a reputed Industrial concern or in Training Institute. iii) Administrative and organising ability.  <i>Desirable:</i> Knowledge of Konkani and/or Marathi.	— do —	— do —	75% by promotion failing which by direct recruitment.  25% by direct recruitment.	<i>Promotion:</i> Sr. Craft Instructor in the Engineering trade having administrative and organising ability with five years regular service in the grade.	— do —	— do —
Hostel Superintendent.	One	— do —	Rs. 380-12-440-EB-15-560-EB-20-640.	— do —	— do —	<i>Essential:</i> i) Intermediate or equivalent of a recognised University/Board. ii) Organising and administrative ability including maintenance of proper accounts.  <i>Desirable:</i> i) Knowledge of Konkani and/or Marathi.	Age: No. Qln. Yes.	— do —	By promotion failing which by direct recruitment.	<i>Promotion:</i> Supervisor with 3 years regular service in the grade.	— do —	— do —

## Local Administration &amp; Welfare Department

## ORDER

LAWD/62/79-E. C. Act

In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with the Order of the Government of India, in the Ministry of Agriculture (Department of Food) G. S. R. No. 316 (E) dated 20th June, 1972 the Lt. Governor of Goa, Daman and Diu makes the following Order, so as to amend the Goa, Daman and Diu Food Stuffs Dealers Licensing Order 1979, published in Official Gazette, Series I No. 48 dated 28-2-1980 as follows namely:—

1. *Short title, extent and commencement.*—

a) This Order may be called the Goa, Daman and Diu Foodstuffs Dealers Licensing (Amendment) Order, 1980.

b) It extends to the whole of Union Territory of Goa, Daman and Diu.

c) It shall come into force at once.

2. *Amendment of Form "B".*—In clause 8 of Form 'B' appended to the Goa, Daman and Diu Foodstuffs Dealers Licensing Order, 1979 the following shall be inserted at the end, namely:—

"In addition to this, the licensee shall also display a price tag of 10 cms. × 5 cms. on each of the containers of foodstuffs indicating the price per unit, duly painted/embossed".

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*Alexandre Pereira*, Under Secretary (Revenue).

Panaji, 30th September, 1980.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/1447/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**THE GOA, DAMAN AND DIU APPROPRIATION  
(EXCESS EXPENDITURE FOR 1974-75)**

**BILL, 1980**

(Bill No. 17 of 1980)

A Bill to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1974-75 in excess of the amounts granted for those services and for that period.

ii) Certificate in Physical education training of a recognised Institution or training in N.C.C./A.C.C. during S.S.C. Course.

Work-shop Supervisor.	One	Group 'C' Non-ministerial, non-gazetted.	Rs. 425-15-500-EB-15-560-20-700.	Selection	30 years and below (relaxable for Govt. servants).	Essential: Diploma in Mechanical Engineering.	Desirable: Practical experience of at least two years in a Engineering workshop engaged in Machine shop, sheet metal welding, plating work, etc.	Age: No. Qln. Yes.	Two years	By promotion falling which by direct recruitment.	Promotion: Plator/Polisher/Mechanic Grade II/Mechanic Grade III/Welder/Fitter with seven years experience in the respective grades.	Group 'C' D.P.C.	N. A.
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BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows: —

1. **Short title.** — This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1974-75) Act, 1980.

2. **Issue of Rs. 43,815 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet excess expenditure for the year 1974-75** — From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of forty three thousand, eight hundred and fifteen rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1974-75 in excess of the amounts granted for those services and for that period.

3. **Appropriation.** — The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1974-75.

#### THE SCHEDULE

(See Sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union Territory of Goa, Daman and Diu	Total excess over grants/appropriation
1	2	3	4	5
		Rs.	Rs.	Rs.
3.	Administration of Justice ...	—	9,247	9,247
7.	Police and Fire Services ...	7,417	—	7,417
9.	Stationery and Printing ...	23,212	—	23,212
16.	Information and Publicity ...	1,129	—	1,129
23.	Industries ...	2,810	—	2810
	<b>Total</b> ...	<b>34,568</b>	<b>9,247</b>	<b>43,815</b>

#### Financial Memorandum

The provision of Rs. 43,815 included in the Bill relates to the amounts appropriated for certain services and purposes expressed in the Schedule during the year 1974-75, over and above the amounts granted for the services for the said period. The amounts mentioned above consist of Rs. 9,247 as charged expenditure and Rs. 34,568 as voted expenditure on Revenue Account for the said year.

#### Statement of Objects and Reasons

The Demands for Excess Grants for the expenditure of this Union Territory for the year 1974-75

were presented to the Legislative Assembly on 7th October, 1980. They have since been discussed and voted by the Assembly. This Appropriation Bill is, therefore, introduced in pursuance of Section 29(1) of the Government of Union territories Act, 1963 to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1974-75 in excess of the amounts granted for those services and for that period.

The Administrator has, in pursuance of sub-section (1) of Section 23 of the Act *ibid*, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

SHRI PRATAPSINGH RAOJI RANE

Chief Minister

Panaji,

October, 1980.

Assembly Hall,

Panaji,

14th October, 1980.

M. M. NAIK

Secretary to the Legislative  
Assembly of Goa, Daman and Diu

LA/B/7/1448/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### THE GOA, DAMAN AND DIU APPROPRIATION (EXCESS EXPENDITURE FOR 1975-76)

BILL, 1980

(Bill No. 18 of 1980)

A Bill to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1975-76 in excess of the amounts granted for those services and for that period.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows: —

1. **Short title.** — This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1975-76) Act, 1980.

2. **Issue of Rs. 97,060 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet excess expenditure for the year 1975-76** — From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of ninety seven thousand and sixty rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1975-76

in excess of the amounts granted for those services and for that period.

3. **Appropriation.** — The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1975-76.

#### THE SCHEDULE

(See Sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union Territory of Goa, Daman and Diu	Total excess over grants/appropriation
1	2	3	4	5
		Rs.	Rs.	Rs.
10	Other General Services ...	13,694	—	13,694
24	Road and Water Transport Services (including Ports) ...	83,366	—	83,366
	Total ...	97,060	—	97,060

#### Financial Memorandum

The provision of Rs. 97,060 included in the Bill relates to the amounts appropriated for certain services and purposes expressed in the Schedule during the year 1975-76, over and above the amounts granted for the services for the said period. The amounts mentioned above consist of Rs. 13,694 on Revenue Account and Rs. 83,366 on Capital Account for the said year.

#### Statement of Objects and Reasons

The Demands for Excess Grants for the expenditure of this Union Territory for the year 1975-76 were presented to the Legislative Assembly on 7th October, 1980. They have since been discussed and voted by the Assembly. This Appropriation Bill is, therefore, introduced in pursuance of Section 29(1) of the Government of Union territories Act, 1963 to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1975-76 in excess of the amounts granted for those services and for that period.

The Administrator has, in pursuance of sub-section (1) of Section 23 of the Act *ibid*, recommended to the Legislative Assembly, the introduction and consideration of the Bill.

SHRI PRATAPSINGH RAOJI RANE  
Chief Minister

Panaji,  
October, 1980.

Assembly Hall,

Panaji,

14th October, 1980.

M. M. NAIK

Secretary to the Legislative  
Assembly of Goa, Daman and Diu

LA/B/7/1449/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### THE GOA, DAMAN AND DIU APPROPRIATION (EXCESS EXPENDITURE FOR 1976-77) BILL, 1980

(Bill No. 19 of 1980)

A Bill to provide for the authorisation of appropriation of moneys from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1976-77 in excess of the amounts granted for those services and for that period.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

1. **Short title.** — This Act may be called the Goa, Daman and Diu Appropriation (Excess Expenditure for 1976-77) Act, 1980.

2. **Issue of Rs. 62,33,068 out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu to meet excess expenditure for the year 1976-77** — From and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu, the sums specified in column 5 of the Schedule amounting in the aggregate to the sum of sixty two lakhs, thirty three thousand and sixty eight rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule for the year 1976-77 in excess of the amounts granted for those services and for that period.

3. **Appropriation.** — The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the Union Territory of Goa, Daman and Diu under this Act, shall be deemed to have been appropriated for the services and purposes expressed in the Schedule for the year 1976-77.

#### THE SCHEDULE

(See Sections 2 & 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union Territory of Goa, Daman and Diu	Total excess over grants/appropriation
1	2	3	4	5
		Rs.	Rs.	Rs.
7.	Police and Fire Services ...	72,458	—	72,458
8.	Jails ...	14,203	—	14,203
14.	Education, Art and Culture ...	25,58,687	—	25,58,687

1	2	3	4	5
		Rs.	Rs.	Rs.
15. Medical, Family Welfare and Public Health, Sanitation and Water Supply	19,55,301	—	19,55,301	
17. Labour and Employment	2,83,159	—	2,83,159	
22. Irrigation and Power Projects	13,49,260	—	13,49,260	
Total	62,33,068	—	62,33,068	

#### Financial Memorandum

The provision of Rs. 62,33,068 included in the Bill relates to the amounts appropriated for certain services and purposes expressed in the Schedule during the year 1976-77, over and above the amounts granted for the services for the said period. The amounts mentioned above consist of Rs. 48,83,808 on Revenue Account and Rs. 13,49,260 on Capital Account for the said year.

#### Statement of Objects and Reasons

The Demands for Excess Grants for the expenditure of this Union Territory for the year 1976-77 were presented to the Legislative Assembly on 7th October, 1980. They have since been discussed and voted by the Assembly. This Appropriation Bill is, therefore, introduced in pursuance of Section 29(1) of the Government of Union territories Act, 1963 to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the Union territory of Goa, Daman and Diu to meet the amounts spent on certain services during the year 1976-77 in excess of the amounts granted for those services and for that period.

The Administrator has, in pursuance of sub-section (1) of Section 23 of the Act *ibid.* recommended to the Legislative Assembly, the introduction and consideration of the Bill.

SHRI PRATAPSINGH RAOJI RANE

Panaji, Chief Minister  
October, 1980.

Assembly Hall, M. M. NAIK  
Panaji, Secretary to the Legislative  
14th October, 1980. Assembly of Goa, Daman and Diu

LA/B/7/1450/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

## The Goa, Daman and Diu Registration of Tourist Trade Bill, 1980

(Bill No. 25 of 1980)

### A BILL

*to provide for the registration of persons dealing with tourists and for matters connected therewith.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:

#### CHAPTER I Preliminary

1. *Short title, extent and commencement.* — (1) This Act may be called the Goa, Daman and Diu Registration of Tourist Trade Act, 1980.

(2) It shall, extend to the District of Goa:

Provided that the Government may by notification in the Official Gazette, extend the Act to the other Districts in the Union territory.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* — In this Act, unless the context otherwise requires, —

(a) 'boat' means a house-boat, boat, motor boat, motor launch, padole boat, sailing boat and canoe;

(b) 'certificate of registration' means a certificate issued under this Act;

(c) 'dealer' means a person carrying on in a tourist area the business of selling any notified article, whether wholesale or retail, and includes his agent or employee transacting business on his behalf;

(d) 'Government' means the Government of Goa, Daman and Diu;

(e) 'hotel' means any premises or part of premises including a house boat, restaurant, bar or a tent where lodging with or without board or any kind of eatables or beverages is provided for a monetary consideration;

(f) 'hotel keeper' means any person who owns or operates a hotel as proprietor and includes a person managing or operating the affairs of a hotel for and on behalf of the proprietor;

(g) 'malpractice' includes dishonesty, cheating, touting, impersonation, obstruction in allowing free choice for shopping or stay or travel management, charging a price higher than that displayed on the label or remuneration higher than that fixed under this Act, failure to display price label on the articles, failure to give cash memos and wilful failure to execute an order within the stipulated time and according to the terms agreed.

*Explanation 1.* — For the purposes of this clause labelled prices shall be the reasonable prices with stock number recorded on each label of each item as reflected in the stock books of dealer/manufacturer maintained at their places of

business which shall be open for inspection by the buyer of the item or by the prescribed authority.

*Explanation 2.* — The expression 'touting' means coercing for shopping, accommodation, transportation, sight seeing or pestering for any particular premises, person, establishment or manufacture with considerations of personal benefit;

(h) 'notified article' means any article notified by the Government in the Official Gazette for purposes of this Act;

(i) 'prescribed' means prescribed by rules made under this Act;

(j) 'prescribed authority' means the authority notified as such by the Government provided that different authorities may be notified for different provisions of this Act;

(k) 'tourist area' means any area notified by the Government in the Official Gazette to be a tourist area for the purposes of this Act;

(l) 'tourist' means a person or group of persons including pilgrims visiting the union territory from any part of India or outside India;

(m) 'travel agent' means a person engaged in the business of making travel, camping, tour operating or other travel arrangements for tourists for a monetary consideration and includes a tourist guide, excursion agent, tent and camping agent or tour operator;

(n) 'travel arrangements' includes —

- (a) arrangements for transportation, sight seeing;
- (b) arrangements for lodging with or without food; and
- (c) rendering other services such as assistance for game, sports or receipt or despatch of personal belongings of a tourist.

## CHAPTER II

### Registration of Dealers

3. *Registration.* — (1) Every person intending to carry on business of a dealer under this Act shall, before he commences such business, apply for registration to the prescribed authority in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) any person carrying on business of selling any notified article in a tourist area on the date such article is notified under clause (h) of section 2 shall apply for registration under this Act within three months from the aforesaid date.

(3) Every application made under sub-section (1) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

4. *Certificate of Registration.* — The prescribed authority shall, unless registration is refused under section 5, direct that the name and the particulars of the dealer be entered in the register maintained for the purpose and shall issue a certificate of registration to the dealer in the prescribed form within a period of three months from the date of the receipt of the application.

5. *Refusal to register.* — (1) The prescribed authority may refuse registration of a dealer under this Act on any of the following grounds, namely: —

(a) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food and drugs or corruption and two years have not elapsed since the termination of sentence imposed upon him;

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(b) if he has been declared insolvent by a Court of competent jurisdiction and has not been discharged;

(c) if his name has been removed from the register under clause (b) or clause (c) of section 6 and six months have not elapsed since the date of removal.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

6. *Removal of the name from the Register.* — (1) The prescribed authority may, after affording a reasonable opportunity of being heard, by an order in writing remove the name of a dealer from the register and cancel his certificate of registration on any of the following grounds, namely: —

(a) if he ceases to be dealer;

(b) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

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Act  
45 of 1860

(c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against him.

(2) Any dealer whose name is removed from the register under sub-section (1) shall forthwith cease to be dealer.

## CHAPTER III

### Registration of Hotels

7. *Registration.* — (1) Every person intending to operate a hotel in tourist area shall, before operating it apply for registration to the prescribed authority in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) any person already operating a hotel in a tourist area on the date of notification under clause (k) of section 2 is used, shall apply for registration within three months from the aforesaid date.

(3) Every application made under sub-section (1) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

8. *Certificate of registration.* — The prescribed authority shall unless registration is refused under section 9 direct that the name and the particulars of the hotel and the hotel keeper be entered in the register maintained for the purpose and shall issue a certificate of registration to the hotel keeper in the prescribed form.

9. *Refusal to register a hotel.* — (1) The prescribed authority may refuse registering of a hotel under this Act on any of the following grounds, namely: —

(a) if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;

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(b) if the hotel-keeper has been declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(c) if the name of the hotel-keeper has been removed from the register under clause (b) or clause (c) of section 10 and six months have not elapsed since the date of removal;

(d) if the hotel-keeper does not hold a licence or certificate required to be held by him under any law for the time being in force;

(e) if in the opinion of the prescribed authority there is any sufficient ground, to be recorded in writing, for refusing registration.

(2) No application for registration shall be refused unless the person applying for registration has been afforded a reasonable opportunity of being heard.

10. *Removal of the name from the Register.* — (1) The prescribed authority may, after giving an opportunity of being heard, by an order in writing, remove the name of a hotel from the register and cancel its certificate of registration on any of the following grounds, namely: —

(a) if the hotel-keeper ceases to operate the hotel in the tourist area for which it is registered;

(b) if the hotel-keeper is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

Central  
Act  
45 of 1860

(c) if the hotel-keeper is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against a hotel-keeper;

(2) Any hotel the name of which is removed from the register under sub-section (1) shall forthwith cease to operate.

11. *Fixation of rates.* — The prescribed authority may after following the procedure as may be prescribed and after giving an opportunity of being heard to the hotel-keeper, by notification in the Official Gazette, classify the hotels and award a grade to each hotel and also fix the reasonable maximum rate and the service charges, if any, commensurate with the standard of hotel and quality of food, accommodation and service, which may be charged by the hotel-keeper for board or lodge or for both from the person staying therein or from other customers.

12. *Hotel-keeper to display information.* — Every hotel-keeper shall cause to be displayed at some conspicuous place of the hotel, such information as may be prescribed.

13. *Hotel-keeper to present detailed bill.* — Every hotel-keeper shall render detailed bills, to the persons residing in the hotel and other customers and shall give receipts in acknowledgement of all payments.

#### CHAPTER IV

##### Travel Agents

14. *Registration.* — (1) No person shall carry on the business of a travel agent in a tourist area unless he is registered in accordance with the provisions of this Act.

(2) Every person intending to act as a travel agent in a tourist area shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner.

(3) Notwithstanding anything contained in sub-section (2) any person acting as a travel agent in a tourist area on the date a notification under clause (k) of section 2 is issued, shall apply for registration within three months from the aforesaid date.

(4) Every application made under sub-section (2) shall be disposed of within a period of three months from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.

15. *Certificate of registration.* — The prescribed authority shall, unless registration is refused under section 16, direct that the name and particulars of the travel agent be entered in the register maintained for the purpose and issue a certificate of registration to the travel agent in the prescribed form.

16. *Refusal to register.* — (1) The prescribed authority may refuse the registration of a travel agent under this Act on any of the following grounds, namely: —

(a) if he does not possess any of the prescribed qualifications;

(b) if he has been convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence imposed upon him;

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Act  
45 of 1860



(c) if he has been declared insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if his name has been removed from the register under this Act and one year has not elapsed since the date of removal.

(2) No application for registration shall be refused unless the person applying for registration has been allowed an opportunity of being heard.

17. *Removal of the name from the register.* — (1) The prescribed authority may, after giving an opportunity of being heard by an order in writing, remove the name of a travel agent, from the register and cancel his certificate of registration on any of the following grounds, namely: —

(a) if he ceases to act as a travel agent in a tourist area;

(b) if he is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption;

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(c) if he is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(d) if any complaint of malpractice is received and proved against him.

(2) Any travel agent whose name is removed from the register under sub-section (1) shall forthwith cease to be a travel agent.

18. *Fixation of rates.* — The prescribed authority may, by a notification in the Official Gazette, fix the reasonable maximum rates which may be charged by a travel agent for the services rendered by him to a person engaging him as such.

19. *Travel agent not to demand tips.* — No travel agent shall demand any tips, gratuity, presents or commission other than that permissible under this Act from any persons engaging him or from any dealer selling notified article to any person or from any hotel-keeper in whose hotel such person resides or intends to reside.

#### CHAPTER V

##### Appeal and Revision

20. *Appeals.* — (1) Subject to the provisions of sub-section (2) an appeal shall lie from every order of the prescribed authority under this Act to the appellate authority to be appointed by the Government.

(2) Every such appeal shall be preferred within ninety days from the date of communication of the order:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of ninetydays if it is satisfied that the appellant was prevented by sufficient cause from filing it in time.

(3) The appellant shall have a right to appear by a counsel and the prescribed authority may be represented by such officer or person as the Government may appoint.

(4) On receipt of any such appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, pass such order as it may deem fit, after recording reasons therefor.

21. *Revision.* — The Minister-in-charge, Tourism Department may at any time call for the record of any case disposed of by any authority under this Act and if in any such case it shall appear to the Minister-in-charge that any order passed or proceedings taken should be modified, annuled or reversed, he may pass such order as he may deem fit for reasons to be recorded and such order shall be final:

Provided that no order under this section shall be made to the prejudice of the person unless he has had a reasonable opportunity of being heard either personally or through counsel or by a duly authorised agent.

#### CHAPTER VI

##### Offences and Penalties

22. *Penalty for default in registration.* — (1) Any person carrying on the business of a dealer, hotel-keeper or travel agent without a proper registration under this Act or in violation of any of the provisions of this Act shall be punishable by the prescribed authority with a fine which may extend to Rs. 2,000/- and if the breach is continuing one with a fine of Rs. 100 for each day.

(2) The fine imposed under sub-section (1) shall be recovered as if it is a fine recoverable under the provisions of the Code of Criminal Procedure, 1973.

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2 of 1974

*Explanation.* — A person who has made an application within the prescribed period and is pending disposal shall not be a defaulter for the purposes of this section.

23. *Penalty for false statement.* — If any person required to make a statement under this Act wilfully makes a false statement or suppresses a material fact with an intention to mislead the prescribed authority, he shall be liable to punishment with imprisonment for a term which may extend to three months or with fine not exceeding Rs. 500 or with both.

24. *Certificate not to be assigned.* — Any person who lends, transfers or assigns the certificate of registration issued under this Act, shall be liable to punishment with imprisonment which may extend to six months or with fine not exceeding Rs. 2,000 or with both.

25. *Certificate and documents to be shown to persons on demand.* — (1) Any person registered under this Act, shall, at all times on demand, produce and show his certificate or any other document required under this Act to —

(a) the prescribed authority or any officer authorised by him in this behalf; and

(b) any bonafide customer.

(2) Any person who refuses on demand to show his certificate or document, or allow it to be read by any of the persons authorised to demand it, shall be liable to punishment with fine not exceeding Rs. 500.

26. *Penalty for malpractice.* — Any dealer, hotel-keeper, travel agent or any other person to whom this Act may be made applicable who commits a malpractice or contravenes any other provision of this Act in the tourist area for which no specific penalty has been provided, shall be liable to punishment with imprisonment for a term which may extend to three months or with fine not exceeding Rs. 1,000 or with both.

27. *Obstructing lawful authorities.* — If any person wilfully obstructs or offers any resistance to, or otherwise interferes in the discharge of the functions of the prescribed authority or any officer authorised by him exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the rules made thereunder, he shall be liable to punishment with imprisonment which may extend to three months or with fine not exceeding Rs. 100 or with both.

28. *Institution of proceedings.* — No prosecution shall be instituted against any person for any offence under this Act except on a complaint made by the prescribed authority.

29. *Power of the prescribed authority to summon and enforce attendance of witnesses and other persons.* — The prescribed authority shall have all the powers of a civil Court under the Civil Procedure Code, 1908 while hearing any application under this Act, in respect of the following matters, namely: —

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(a) summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Act and witnesses required in connection therewith;

(b) compelling the production of any document, and

(c) examining witnesses on oath — and may summon and examine suo moto any person whose evidence appears to be material.

30. *Composition of offences.* — (1) The prescribed authority may accept from any person accused of an offence under this Act a sum of money by way of composition for such offence and may out of money so received compensate the person against whom the offence has been committed to the extent the prescribed authority deems reasonable.

(2) On the composition of offence no further proceeding in respect thereof shall lie.

#### CHAPTER VII

##### Miscellaneous

31. *Notification of changes.* — (1) Whenever a business for which a certificate of registration is held by a person devolves by inheritance or otherwise upon any other person or undergoes a change in respect of any particulars entered in the register under this Act, such person shall, within devolution

or change, notify, in writing the fact to the prescribed authority.

(2) The prescribed authority shall make necessary changes in the register maintained for the purposes and in the certificate of registration.

(3) Notwithstanding anything contained in sub-section (2), the prescribed authority may remove from the register the name of the person in whose favour the certificate was issued and cancel the certificate of registration if the successor is not qualified to be registered under this Act.

32. *Return of certificate of Registration.* — When a certificate of registration is cancelled under this Act, the person holding such certificate shall, within seven days from the date of publication of the order of cancellation in the Official Gazette, return it to the prescribed authority.

33. *Duplicate certificate.* — If a certificate of registration issued under this Act is lost, damaged or destroyed the prescribed authority shall on an application made in that behalf by the person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.

34. *Certificate of Registration to be kept exhibited.* — The certificate of registration shall be exhibited by the person holding it in conspicuous place at the principal place of his business and if he has no place of business, he shall keep it on his person.

35. *Publication of name of person removed from the register.* — The prescribed authority shall from time to time publish in the Official Gazette and in such other manner it deems fit, the names and addresses of the persons and of the hotels whose names have been removed from the register and who have been refused registration under this Act.

36. *Power to inspect.* — The prescribed authority or any person authorised by him in this behalf may within the tourist area inspect at reasonable times, the premises in which a dealer or a travel agent carries on his business or any premises where a hotel is operated and require such dealer, travel agent or a hotel-keeper to produce any document, kept in pursuance of this Act or the rules made thereunder for inspection.

37. *Fixation of rates for other services.* — The prescribed authority may by a notification in the Official Gazette fix the reasonable maximum rates which may be charged for hiring of boat in a tourist area.

38. *Powers of the Government to apply the Act to other persons.* — The Government may by notification in the Official Gazette direct that all or any of the provisions of this Act or the rules made thereunder shall with such exceptions, adaptations or modifications as may be considered necessary apply to persons doing the business in a tourist area of letting or plying for hire boats or to such other persons as may be specified in the notification.

39. *Powers and duties of police in respect of offences and assistance to the prescribed authority.* — Every police officer shall give immediate information to the prescribed authority of an offence coming

to his knowledge which has been committed against this Act or any rule made thereunder and shall assist the prescribed authority in the exercise of his lawful authority.

40. *Indemnity.*—No suit, prosecution or other legal proceedings whatsoever shall lie against the Government or any person in respect of anything which is in good faith done or intended to be done under this Act.

41. *Reservation of powers of local authority.*—Nothing in this Act shall take away or diminish any of the powers vested in any local authority by or under any law for the time being in force.

42. *Power to make rules.*—(1) The Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

- (a) the maintenance of registers, books and forms by a hotel-keeper, dealer or travel agent for conduct of business;
- (b) the form of application for registration and for certificate of registration;
- (c) the fee for registration;
- (d) the manner for giving notices under this Act;
- (e) classification of hotels and travel agents;
- (f) qualifications for registration as travel agents;
- (g) manner of publication of the names and address of the persons and of the hotels removed from the register or to whom registration has been refused;
- (h) the place where the prescribed authority shall hold enquiry under this Act; and
- (i) all matters expressly required to be prescribed under this Act.

(3) The rules made under this Act shall be subject to the condition of previous publication.

#### Statement of Objects and Reasons

From a handful of tourists who used to visit Goa at the time of liberation, the tourist traffic has been increasing and, in the year 1979, this figure has crossed 4.5 lakhs. According to various consultants commissioned by Government, future projections of tourist arrivals are equally encouraging. This number, even on a conservative basis, is expected to be 5.38 lakhs by 1982-83, 6.44 lakhs by 1987-88 and 7.5 lakhs by 1992-93.

This heavy influx has put a heavy demand on the tourism industry particularly in the segments of hotels, transport and handicrafts.

A lot of problems have already arisen in the hotel industry, leave aside shortages alone, Tourists are annoyed at over-crowding and over-charging particularly during the peak seasons. This situation will be worse in the years to come. Such malpractices

give a very bad name to the territory and consequently mar reputation of the industry. There are quite a few hundreds of paying guest houses scattered all over the coast without having the minimum basic facilities. At present, there is neither legislation nor authority to control the hotel activity, nor even to register it. Such statistics are also required for a proper planning of the infrastructure as well, so as to ensure a balanced development and provision of facilities.

The next important element in the tourism industry is transport for tourists. It has been seen that a number of tour operators have mushroomed in this territory, some without even an officer or a vehicle. Some pick-ups or buses are hired from other parties and tours conducted. In addition to over-crowding in such vehicles, there are no fixed rates for such tours. Quite a few complaints have been received and those conditions are bound to deteriorate in time to come. It is, therefore, necessary that this aspect of tourism industry is also controlled.

Last but not the least, another segment of tourism industry is the activity or sale of handicrafts and/or other articles taken by tourists as souvenirs from this place. The dealers do not have fixed price for these articles and the tourists are always a prey to their manipulations regarding prices or genuineness of the articles.

No other state except Jammu and Kashmir has legislation to control the tourist trade. In Jammu and Kashmir where such legislation has been enacted, tourist trade is running smoothly. The present bill which is more or less on the lines of Jammu and Kashmir Tourist Trade Act, 1978, with suitable modifications to meet the requirements and conditions of this territory, seeks to regulate the tourism industry in the matter of hotels, tourist transport and tourist articles.

#### Financial Memorandum

The Bill seeks to regulate the tourism industry in this territory. For smooth and effective implementation of the Act, necessary set up would be required. The total yearly expenditure on their salaries would be to the tune of Rs. 55,000/-.

2. The Act provides for payment of licence fees both for the purpose of registration and renewal every year. It is excepted that the receipts by way of registration and renewal would be around Rs. 50,000 per year.

#### Memorandum on Delegated Legislation

1. Section 2(h) provides that any article may be notified by Government for the purposes of the Act while section 2(j) provides that Government may notify an authority or authorities for implementation of different provisions of the Act. Section 2(k) provides that any area may be notified by Government in the Official Gazette to be a tourist area for the purposes of this Act.

2. Section 11 provides for issue of notification in the Official Gazette for classification of hotels and award a grade to each hotel and also fix reasonable maximum rate and the service charges, if any, commensurate with the standard of hotel and quality

of food, accommodation and service, which may be charged by the hotel-keeper for board or lodge or for both from the persons staying therein or from other customers.

3. Section 42 in particular gives Government the power to make rules for carrying out the purposes of the Act.

4. These powers are necessary for implementation of the Act. The delegation is of normal character.

Panaji,  
3rd October, 1980

HARISH N. P. ZANTYE  
Minister for Tourism

Assembly Hall,  
Panaji,  
7th October, 1980

M. M. NAIK  
Secretary to the  
Legislative Assembly  
of Goa, Daman and Diu

LA/B/7/1451/80

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1980 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Legislative Diploma No. 1984 dated 14-4-1960  
(Third Amendment) Bill, 1980

(Bill No. 26 of 1980)

#### A BILL

*to further amend the Legislative Diploma No. 1984 dated 14-4-1960.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Legislative Diploma No. 1984 dated 14-4-1960 (Third Amendment) Act, 1980.

(2) It shall come into force at once.

2. *Amendment of Article 13.*— For Article 13 of the Legislative Diploma No. 1984 dated 14-4-1960 the following shall be substituted, namely:—

“Article 13.— The Administrator shall under notification published in the Official Gazette,

determine that the funds of Provedoria de Assistencia Publica be deposited in any Co-operative Bank Limited, State Bank of India or any Nationalised Bank. The withdrawals of the funds so deposited shall be made by cheques signed by the Director of Provedoria and Administrative-cum-Accounts Officer.”

#### Statement of Objects and Reasons

Article 13 of the Legislative Diploma No. 1984 dated 14-4-1960 provides for depositing the funds of Provedoria in Goa State Cooperative Bank Ltd., the State Bank of India or any Nationalised Banks. There are new Co-operative Banks in this territory who are paying higher rate of interest than the Scheduled Banks. Therefore in order to encourage the banks in Co-operative sector and at the same time to take advantage of higher rate of interest paid by them, it is proposed to amend the above article 13 providing for depositing of funds of Provedoria in any Co-operative Bank.

#### Financial Memorandum

No financial implications are involved on account of the proposed amendment.

Panaji,  
6th October, 1980.

HARISH N. P. ZANTYE  
Minister for Social Welfare

Assembly Hall,  
Panaji,  
7th October, 1980.

M. M. NAIK  
Secretary to the Legislative  
Assembly of Goa, Daman and Diu

#### (Annexure to Bill No. 26 of 1980)

The Goa, Daman and Diu Legislative Diploma No. 1984 dated 14-4-1960 (Third Amendment) Bill, 1980

Legislative Diploma No. 1984, dated 14th April, 1960

13. The Administrator shall under notification published in the Official Gazette, determine that the funds of Provedoria de Assistencia Publica be deposited in Goa State Co-operative Bank Limited, State Bank of India or any Nationalised Bank. The withdrawals of the funds so deposited shall be made by cheques signed by the Director of Provedoria and Accountant.

Assembly Hall,  
Panaji,  
7th October, 1980.

M. M. NAIK  
Secretary to the Legislative Assembly  
of Goa, Daman and Diu.